

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

THE BANK OF NEW YORK MELLON *
TRUST COMPANY, N.A., as Trustee *
for the Benefit of Holders of *
the FDIC 2011 R-1 Certificates, *

Plaintiff, *

v. *

CV 616-165

JOHN GUNDE SOCK a/k/a John Tunde *
Sock; ETTA WILCIA BOSS-COLE; *
ANNA CLAXTON; AMOS FINANCIAL, *
LLC; and THE UNITED STATES, *

Defendants. *

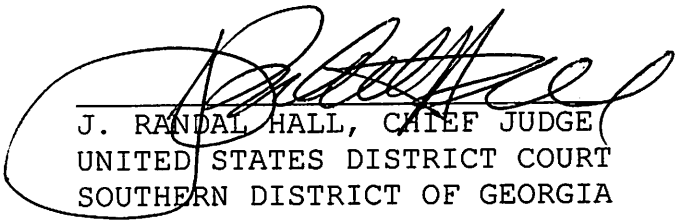
O R D E R

Pending before the Court is Plaintiff's second motion for extension of time to file its motion for default. (Doc. 27.) On August 28, 2018, the Court entered an Order requesting Plaintiff to show cause by September 11, 2018, as to why this case should not be dismissed for failure to prosecute. (Doc. 23.) On October 3, 2018, Plaintiff filed its response to the Order requesting an additional fourteen days to submit a renewed motion for default. (Doc. 25.) The Court granted that request but warned Plaintiff that "failure to file such motion before October 18, 2018, will result in dismissal of this action without prejudice without further notice." (Order of Oct. 4, 2018, Doc. 26, at 2.)

Now, Plaintiff seeks an additional thirty-day extension to submit its motion for default. Plaintiff, however, filed this request past the October 18th deadline. Further, Plaintiff contends that it is still attempting to locate transfer documents for the property at issue, a search that has been ongoing since the Court raised the issue of standing at an evidentiary hearing held on November 27, 2017. (See Order of Apr. 13, 2018, Doc. 23, at 2.) Regardless of how voluminous the records may be, Plaintiff's inability to produce such records in nearly a year shows either the documents do not exist or a lack of diligence on the part of Plaintiff's counsel.

Considering Plaintiff's inability to produce necessary documents, its twenty-two-day delay in responding to the Court's Show Cause Order, and its untimely submission of the instant motion for extension of time, this case is **DISMISSED WITHOUT PREJUDICE**. See LR 41.1, SDGa. The Clerk is directed to **TERMINATE** all motions and deadlines and **CLOSE** this case.

ORDER ENTERED at Augusta, Georgia, this 22nd day of October, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA